

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
American Public Communications)	WC Docket No. 05-176
Council's Petition for Declaratory)	
Ruling and Rulemaking Regarding)	
IP-Enabled Dial-Around Calls)	
from Payphones)	

COMMENTS OF QWEST SERVICES CORPORATION

Qwest Services Corporation (“Qwest”) hereby submits its comments on the above-captioned matter. The American Public Communications Council (“APCC”) has submitted a petition requesting, *inter alia*, that the Federal Communications Commission (“Commission”) issue a declaratory ruling that if a payphone service provider were able to utilize an IP connection to connect its payphone to the network, for dial-around calls made from the payphone, the payphone service provider should have a right to compensation under Section 276.¹

Qwest opposes this request as an inappropriate subject for a declaratory ruling. A declaratory ruling is meant to terminate a controversy or remove uncertainty.² As the APCC admits, it knows of no payphones that subscribe to an IP connection to the network, and “there

¹ Petition of the American Public Communications Council for a Declaratory Ruling and Petition for Rulemaking to Establish that Payphone-Originated IP-Enabled Communications are Subject to Payphone Compensation, filed Mar. 23, 2005 (“APCC Petition”). *And see* Public Notice, DA 05-1106, rel. Apr. 21, 2005.

² *See* 47 C.F.R. § 1.2.

are no viable IP-enabled alternatives for payphones[.]”³ Accordingly, there is no controversy to terminate or uncertainty to remove.⁴

The Commission should use its “broad discretion” to deny this request for declaratory ruling.

Respectfully submitted,

QWEST SERVICES CORPORATION

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May 23, 2005

³ See APCC Petition at 15-16.

⁴ See Order, *In the Matter of Petition of Home Owners Long Distance, Inc. for a Declaratory Ruling*, 14 FCC Rcd 17139, 17145 ¶ 12 (1999).

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST SERVICES CORPORATION** to be 1) filed with the FCC via its Electronic Comment Filing System, 2) served, via email on Ms. Janice Myles of the Competition Policy Division of the Wireline Competition Bureau (at janice.myles@fcc.gov), 3) served, via email on the FCC's duplicating contractor Best Copy and Printing, Inc. (at fcc@bcpweb.com) and 4) served, via first class United States Mail, postage prepaid, on the party listed on the attached service list.

/s/ Richard Grozier _____
Richard Grozier

May 23, 2005

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